

**U.S. ARMY CORPS OF ENGINEERS**

**NASHVILLE DISTRICT**

**FINDING OF NO SIGNIFICANT IMPACT**

**AND**

**STATUTORY FINDINGS FOR REAL ESTATE ACTIONS**

Buzzard Rock Resort and Marina  
Villas and Access Roadway  
Lake Barkley Dam and Reservoir Project

Livingston County, Kentucky

1. Leisure Cruise, Incorporated (LCI) has requested to add additional recreation facilities within their existing lease area at Buzzard Rock Resort and Marina on previously undisturbed Corps property. The request involves the construction of 10 villa cabins and also a 2,000 foot roadway which would serve to access villas. The preferred alternative is to grant the requested lease with specific conditions to limit environmental impacts.
2. An Environmental Assessment (EA) was prepared following the National Environmental Policy Act (NEPA), Council for Environmental Quality (CEQ) Regulations implementing NEPA (40 CFR, 1500-1517), and Corps of Engineers Regulations ER 200-2-2 *Policy and Procedures for Implementing NEPA* (33 CFR, 230). The EA was prepared to describe existing conditions and evaluate potential impacts associated with the proposed action and alternatives. The alternatives considered were granting the proposed request as submitted; grant the request with special conditions to minimize environmental impacts; and "no action". "No action" is defined as denial of the request as proposed by Buzzard Rock Resort and Marina. The preferred alternative is to grant the requested lease with specific conditions to limit environmental impacts.
3. The EA does not reveal significant onsite impacts resulting from the recommended action. There would be some permanent loss of oak-hickory forest if the proposed future recreational facilities are constructed. Typical construction impacts (sedimentation, noise, air quality,

etc.) would be reduced by use of appropriate best management practices. There would be long-term impacts from operation of possible new facilities (including storm water runoff, change of vegetative communities) but these would be minor in the context of the surrounding area. Also, it would be required that the Corps approve all construction plans and specifications; this includes proper storm water management features.

4. On 15 August 2008, a scoping letter describing the proposal was sent to affected parties as well as Federal, state, and local agencies with jurisdiction by law or special expertise and the public. Comments were received from the Kentucky Department for Environmental Protection (KYDEP). KYDEP recommendations included development of a Groundwater Protection Plan to address any onsite septic, fuel, oil tanks, or other issues of concern, and are noted in Environmental Commitments and Special Conditions.

5. Pursuant to the Fish and Wildlife Coordination Act (FWCA) of 1958, and Endangered Species Act coordination with the U.S. Fish and Wildlife Service (USFWS), Kentucky Department for Natural Resources (KYDNR), and the Kentucky Division of Natural Heritage (KYDNH) was conducted. No comments were received from USFWS, KYDNR, or KYDNH.

6. Section 106 of the National Historic Preservation Act of 1966 requires each Federal agency take into account the effects of its undertakings on historic properties included in or eligible for listing in the National Register of Historic Places. A review of the National Register of Historic Places listings and files maintained by the Nashville District Corps indicates that no significant historic properties are known to occur within the project area. The lessee of Buzzard Rock Resort and Marina, under the auspices of an Archeological Resources Protection Act permit, and using an appropriate contractor, conducted an archeological survey of the entire leased property in January 2006. A letter requesting concurrence of the Kentucky State Historic Preservation Officer (SHPO) was sent on 29 March 2006. Response letter dated 24 April 2006 identified one historic property (a single late nineteenth to early twentieth century farmstead) was noted by the Kentucky SHPO, but was determined not to be eligible for listing on the National Register of Historic Places.

7. The preferred alternative is in compliance with Executive Order 11988 (Floodplain Management). The proposed action is not within established floodplain. There are no wetlands within the project area. Finally, the proposal is in compliance with Executive Order 12898 on Environmental Justice.

8. I have reviewed the proposed real estate action, agency comments, and the EA in light of the general public interest. I have determined that the work would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969, as amended. Accordingly, I have concluded that an Environmental Impact Statement concerning the proposed additional recreational facilities at Buzzard Rock Resort and Marina is not required.

9. Finally, pursuant to 10 U.S.C. 2668, based on available information pertaining to this request, I have concluded that granting approval of development plan with special conditions would not be against the public interest.

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Date

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Bernard R. Lindstrom  
Lieutenant Colonel  
Corps of Engineers  
District Engineer